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Attorneys for DEPARTMENT OF HEALTH,  
STATE OF HAWAI‘I; ELIZABETH A. CHAR,  
in her official capacity as Director of the State of  
Hawai‘i Department of Health; MARIAN E. TSUJI,  
in her official capacity as Deputy Director  
of the State of Hawai‘i Department of Health

**UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAI‘I**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEPARTMENT OF HEALTH, STATE OF  
HAWAI‘I; ELIZABETH A. CHAR, in her  
official capacity as Department of Health  
Director; MARIAN E. TSUJI, in her official  
capacity as Department of Health Deputy  
Director,

Defendants,

and

No. 1:22-cv-00051-DKW-RT

**FIRST JOINT STIPULATION  
AND ORDER TO EXTEND  
DEADLINES TO FILE ANSWERS  
OR OTHER RESPONSIVE  
PLEADINGS**

District Judge: Derrick K. Watson

Magistrate Judge: Rom Trader

[caption continued]

SIERRA CLUB; BOARD OF WATER  
SUPPLY, CITY AND COUNTY OF  
HONOLULU,

Intervenor-  
Defendants.

**FIRST JOINT STIPULATION AND ORDER TO EXTEND DEADLINES  
TO FILE ANSWERS OR OTHER RESPONSIVE PLEADINGS**

Pursuant to Civil LR6.2(a) and Civil LR10.5, Defendants DEPARTMENT OF HEALTH, STATE OF HAWAI‘I; ELIZABETH A. CHAR, in her official capacity as Director of the State of Hawai‘i Department of Health, and MARIAN E. TSUJI, in her official capacity as Deputy Director of the State of Hawai‘i Department of Health (collectively, “**the State**”); Plaintiff UNITED STATES; Intervenor-Defendant SIERRA CLUB; and Intervenor-Defendant the BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU (“**Board of Water Supply**”) hereby stipulate and agree as follows:

1. This stipulation will not alter the date of any event or any deadline already fixed by Court order.
2. There have been no previous stipulations or applications for extensions of time in this matter.
3. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Sierra Club’s answer or other responsive pleading in response to Plaintiff’s Complaint

(Dkt. No. 1) is currently due on March 1, 2022, and the answers or other responsive pleadings of the State and the Board of Water Supply are also currently due on that same date.

4. Whereas counsel for Sierra Club has a pre-existing conflict with the current deadline, and whereas an extension is also warranted with respect to the State and the Board of Water Supply in light of the press of other urgent matters and the need to analyze the legal issues raised by the United States' Complaint.

5. THEREFORE, the parties hereby stipulate to and request that the Court enter an order extending the deadline for Sierra Club, the Board of Water Supply, and the State to file answers or other responsive pleadings to **March 15, 2022**.

Dated: February 17, 2022

Respectfully submitted,

TODD KIM  
Assistant Attorney General  
Environment & Natural Resources Division  
U.S. Department of Justice

/s/ Lucy E. Brown  
LUCY E. BROWN (HI Bar #10946)  
LESLIE M. HILL (DC Bar #476008)  
DAVID D. MITCHELL (IL Bar #6302250)  
Environmental Defense Section

ELLIOT ENOKI (HI Bar #1528)  
Executive Assistant U.S. Attorney  
District of Hawaii  
Attorney for the United States,

Acting under Authority Conferred by  
28 U.S.C. § 515  
DANA A. BARBATA (HI Bar #9112)  
Assistant U.S. Attorney

Attorneys for Plaintiff

DATED: Honolulu, Hawai‘i, February 17, 2022.

/s/ Kylie Wager Cruz

KYLIE WAGER CRUZ

Attorney for Intervenor-Defendant  
SIERRA CLUB

DATED: Honolulu, Hawai‘i, February 17, 2022.

/s/ Jeff A. Lau

JEFF A. LAU

Attorney for Intervenor-Defendant  
BOARD OF WATER SUPPLY, CITY  
AND COUNTY OF HONOLULU

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DATED: Honolulu, Hawai'i, February 17, 2022.

/s/ Nicholas M. McLean

HOLLY T. SHIKADA

Attorney General of the State of Hawai'i

ROBERT T. NAKATSUJI

First Deputy Solicitor General

NICHOLAS M. MCLEAN

Deputy Solicitor General

Attorneys for DEPARTMENT OF  
HEALTH, STATE OF HAWAI'I;  
ELIZABETH A. CHAR, in her official  
capacity as Director of the State of  
Hawai'i Department of Health;  
MARIAN E. TSUJI, in her official capacity  
as Deputy Director of the State of Hawai'i  
Department of Health

**APPROVED AND SO ORDERED.**

DATED: February 18, 2022 at Honolulu, Hawai'i.



/s/ Derrick K. Watson

Derrick K. Watson

United States District Judge

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*UNITED STATES v. DEPARTMENT OF HEALTH, STATE OF HAWAI'I;  
ELIZABETH A. CHAR, in her official capacity as Department of Health Director;  
MARIAN E. TSUJI, in her official capacity as Department of Health Deputy  
Director; and SIERRA CLUB; and BOARD OF WATER SUPPLY, CITY AND  
COUNTY OF HONOLULU; No. 1:22-cv-00051-DKW-RT; FIRST JOINT  
STIPULATION AND ORDER TO EXTEND DEADLINES TO FILE ANSWERS OR  
OTHER RESPONSIVE PLEADINGS*